

MARVIN E. WEASTER

IBLA 73-306

Decided April 13, 1973

Appeal from rejection of coal prospecting permit applications, NM 13712-13714 inclusive, by New Mexico State Office, Bureau of Land Management.

Affirmed.

Coal Leases and Permits: Applications

All new or pending applications for coal prospecting permits during the effective period of Secretarial Order No. 2952 must be rejected.

Rules of Practice: Appeals: Generally

An appeal from a decision rejecting a coal prospecting permit application will be considered to assure that Secretarial Order 2952 was followed.

APPEARANCES: Marvin E. Weaster, pro se.

OPINION BY MR. FRISHBERG

The New Mexico State Office, Bureau of Land Management (BLM), rejected appellant's coal prospecting permit application on the ground that the Secretary, by his Order 2952, had directed the rejection of all prospecting permit applications pending adoption of a program for more orderly development of the Government's coal resources. This appeal resulted.

Secretarial Order No. 2952 of February 13, 1973, precludes the issuance of any new coal prospecting permits pending preparation of a program for more orderly development. It directed that all applications for prospecting permits shall be rejected pending further instructions. Pursuant to the Mineral Leasing Act, 30 U.S.C. § 201(b) (1970), the Secretary is authorized to issue such instructions. We will review the decision below to assure those instructions were

followed. Richard K. Todd, 68 I.D. 291 (1961), aff'd in Duesing v. Udall, 350 F.2d 748 (D.C. Cir. 1965), cert. den. 383 U.S. 192 (1966).

In the instant case BLM correctly applied the instructions of Order 2952 and properly rejected appellant's prospecting permit application.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed.

Newton Frishberg, Chairman

We concur:

Edward W. Stuebing, Member

Joseph W. Goss, Member.

